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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,264	09/28/2000	Nobuyoshi Morimoto	5596-00500	1006

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EXAMINER

FUREMAN, JARED

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,264

Applicant(s)

MORIMOTO, NOBUYOSHI

Examiner

Jared J. Fureman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 28 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Receipt is acknowledged of the IDS' received on 6/28/2001, 6/24/2002, and 8/19/2002, all of which have been entered in the file.

Claim Objections

1. Claim 12 is objected to because of the following informalities: Claim 12, line 2: --be-- should be inserted after "to". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8, 13-23, and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Woolley et al (US 5,804,810).

Woolley et al teaches an apparatus for shipping items, wherein the apparatus comprises: a container (12), a memory device (memory 104 of asset tag 16) for storing shipping information, wherein the memory device is affixed to the container, wherein the shipping information includes a unique item identifier (a unique identification for the object, a description of the object), origination information (the objects shipper), intermediate destination information (a planned route/waypoints), and final destination information (the objects destination), an interface device (communications circuitry 102) connected to the memory device, wherein the interface device is configured to allow read-write access to the memory, a processor (microprocessor 100) and a power supply

(110) connected to the memory and the interface, wherein the processor is configured to upload information stored in the memory device to a network/server (operations center 13) via the interface, a temperature/environmental sensor (18₁, 18₂, etc.), wherein the processor is configured to periodically store temperature/environmental data from the temperature/environmental sensor into the memory, and wherein the uploaded information includes at least part of the temperature/environmental data, a carrier (for example: railway car or truck 12₆) configured to hold two or more containers, wherein the carrier comprises a carrier memory device (the memory of tag 16₆), wherein the carrier memory device is configured to store origination and destination information for the carrier, wherein the carrier memory device is configured to store information about the containers stored within the carrier, wherein the interface device provides an infrared communication link to the memory (see column 19 lines 1-3), wherein the interface device provides a radio communications link to the memory (see column 19 lines 1-3), a global positioning system receiver and a wireless transmitter coupled to the processor, wherein the processor is configured to periodically transmit position information from the receiver using the wireless transmitter, an apparatus (monitoring device 15) for processing an item (12₁) being shipped, the apparatus comprising a processor (within PDA 270), a data interface coupled to the processor, a power supply coupled to the processor (not shown), a network connection (communications control 272) coupled to the processor wherein the processor is configured to cause the data interface to access a memory device (the memory 102 of asset tag 16) storing shipping information about a container (12₁), wherein the processor is configured to receive

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updated routing information from the server and store the updated routing information to the memory device, wherein the power supply is a battery, wherein the apparatus is hand-held, wherein the apparatus further comprises an input mechanism (a user interface) that allows an operator to enter information to update the data file in the memory device, wherein the network connection is a telephone/wireless model (a cellular modem), wherein the network connection is configured to access a local area network (the network of tags 16, local computer 14) (see figures 1-3, 5, 6, 8, 11, column 1 line 54 - column 2 line 11, column 4 lines 6-19, 40-53, column 4 line 66 - column 5 line 16, column 13 lines 5-12, column 16 lines 8-67, column 17 lines 3-15, column 17 line 44 - column 19 line 31, column 19 line 57 - column 20 line 58, column 21 line 26 - column 22 line 4, column 25 line 15 - column 26 line 30, column 30 lines 37-43, column 57 lines 36-52, column 62 line 64 - column 64 line 29).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woolley et al in view of Reiff et al (US 6,099,047).

The teachings of Woolley et al have been discussed above. Woolley et al also teaches the carrier comprising a rigid frame/cover (the railway cars or truck shown in

figures 5 and 6 necessarily include a rigid frame/cover to enclose the railway car or truck).

Woolley et al fails to specifically teach one or more locking mechanisms for each container storable within the rigid frame, the cover preventing unauthorized access to the containers in the carrier, the carrier comprising lock clips configured to prevent unauthorized removal of the containers in the carrier.

Reiff et al teaches that typical locking mechanisms for shipping containers can include clips (see column 1 lines 24-27).

In view of Reiff et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Woolley et al, one or more locking mechanisms for each container storable within the rigid frame, the cover preventing unauthorized access to the containers in the carrier (by providing a locking mechanism for the cover), the carrier comprising lock clips configured to prevent unauthorized removal of the containers in the carrier, in order to provide greater security by locking the carrier(s) and thereby helping deter theft.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woolley et al in view of Grabowski et al (US 5,261,282).

The teachings of Woolley et al have been discussed above.

Woolley et al fails to specifically teach the memory device being housed in a plastic case that is configured to be packed inside the container.

Grabowski et al teaches a memory device (a transponder) may be placed within a container (a shipping container) to provide object tracking during shipping, and that a

transponder (25) may be housed in a plastic case (27) (see column 3 lines 54-63, column 6 lines 66-68 and column 7 lines 16-19).

In view of Grabowski et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Woolley et al, the memory device being housed in a plastic case that is configured to be packed inside the container, in order to provide greater security since placing the memory device inside the container will help protect the memory device from removal/tampering.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woolley et al in view of Herrod et al (US 2001/0043273 A1).

The teachings of Woolley et al have been discussed above.

Woolley et al fails to specifically teach the apparatus including one or more digital cameras connected to the processor, wherein the processor is configured to store images from the one or more digital cameras in the memory device.

Herrod et al teaches an apparatus (terminal 10) including a processor (not shown) and a digital camera (a digital camera having lens 18) connected to the processor, wherein the processor is configured to store images of a parcel/goods being shipped in a memory device (a bar code symbol) applied to the parcel/goods (see figure 5 and paragraphs 25, 27, 28, 46-49, and 66).

In view of Herrod et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Woolley et al, the apparatus including one or more digital cameras connected to the

processor, wherein the processor is configured to store images from the one or more digital cameras in the memory device, in order to provide the ability to compare the condition of a parcel upon receipt to the condition of the parcel when shipped, thereby identifying any damage to the parcel during shipping.

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woolley et al in view of Kern (US 6,115,695).

The teachings of Woolley et al have been discussed above.

Woolley et al fails to specifically teach the apparatus including a digital scale connected to the processor, wherein the processor is configured to compare a weight measured by the digital scale with weight information stored in the memory device.

Kern teaches an apparatus including a processor (12) and a digital scale (20), wherein the processor is configured to compare a weight measured by the digital scale with weight information stored in a memory device (bar code 18) (see figures 1, 2, column 1 line 10 - column 2 line 18 and column 3 lines 5-41).

In view of Kern's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Woolley et al, the apparatus including a digital scale connected to the processor, wherein the processor is configured to compare a weight measured by the digital scale with weight information stored in the memory device, in order to detect the accuracy of an order and detect pilferage.

9. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woolley et al in view of Angell et al (US 5,015,145).

The teachings of Woolley et al have been discussed above.

Woolley et al fails to specifically teach the apparatus including a conveyer belt configured to move the container and an automated arm configured to insert the container into a carrier.

Angell et al teaches an apparatus for loading cargo, the apparatus includes a conveyer belt (20) configured to move containers and an automated arm (36) configured to insert the container into a carrier (the cargo compartment of a vehicle) (see figures 1, 3, column 1 line 55 - column 2 line 3, column 2 lines 35-46, column 2 line 66 - column 3 line 9, column 3 lines 20-25, and column 4 lines 60-68).

In view of Angell et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Woolley et al, the apparatus including a conveyer belt configured to move the container and an automated arm configured to insert the container into a carrier, in order to provide an automated carrier loading system thereby reducing the amount of labor required to load carriers.

10. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woolley et al in view of Swartz et al (US 6,128,549).

The teachings of Woolley et al have been discussed above.

Woolley et al fails to specifically teach the network connection being configured to access the Internet and the processor being configured to convey information from the memory device to the server via the Internet.

Swartz et al teaches an apparatus (an RF tag RFTA1) including a network connection (RF transmitter 52), the network connection being configured to access the Internet and a processor (controller 42) being configured to convey information from a memory device (36) to a server (not shown) via the Internet (see figure 2, column 1 line 57 - column 2 line 21, column 3 lines 5-50, column 6 line 60 - column 7 line 12).

In view of Swartz et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Woolley et al, the network connection being configured to access the Internet and the processor being configured to convey information from the memory device to the server via the Internet, in order to provide an efficient means/method to convey information over a large area using an existing network.

11. Claims 33-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woolley et al in view of Harris et al (US 5,466,030).

The teachings of Woolley et al have been discussed above. Woolley et al also teaches the carrier including a plurality of storage locations (as shown in figures 5 and 6 the railway car and truck have a plurality of storage locations), wherein the carrier is configured to store an over-sized container using two or more of the storage locations (naturally, a larger container will occupy the space of two or more locations used by smaller containers in the railway cars or trucks), and the carrier being configured to permit access to the memory devices (the memories of the asset tags 16) of the stored containers (via the asset tags 16₆ on the containers), the carrier comprising an interface, a processor and a power supply each coupled to the carrier memory device

(the interface, processor, power supply, and memory of the asset tags 16₆) (see figures 5, 6, and 11).

Woolley et al fails to specifically teach each storage location being configured to permit a container stored therein to be removed without removing other storage containers stored in other storage locations.

Harris et al teaches a carrier (vehicle 10) including a plurality of storage locations (on deck 18) each configured to store a container (cargo), each storage location being configured to permit a container stored therein to be removed without removing other storage containers stored in other storage locations (vehicle is configured to be side-loaded, thereby allowing individual loading/unloading of cargo without the need to disturb the remaining cargo on the deck) (see figures 1, 2, column 1 lines 5-20, 40-50, column 4 lines 45-53, and column 7 lines 3-10).

In view of Harris et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Woolley et al, each storage location being configured to permit a container stored therein to be removed without removing other storage containers stored in other storage locations, in order to permit individual access to each container thereby increasing the convenience and efficiency of the system.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bauer et al (US 5,117,096), Guthrie (US 5,565,858), Takehara et al (US 6,356,802 B1), Ohki (US 6,398,109 B1), (JP 2001-171811 A), and Hattori (JP

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2001-253517 A) all teach containers for shipping items, the containers having a memory device for storing information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (703) 305-0424. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jared J. Fureman
Jared J. Fureman
December 12, 2002